

REMARKS

The only issues outstanding in the Office Action mailed September 19, 2008, are the rejections under 35 U.S.C. 112 and double patenting. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Rejection under 35 U.S.C. 112

Claims 4-7 have been rejected under 35 U.S.C. 112, second paragraph. It is argued, at page 2 of the Office Action, that the use of the reference numerals corresponding to the figures renders the claims indefinite, and “appropriate correction” is required. It is respectfully submitted that no correction is necessary. M.P.E.P. § 608.01(m) states that reference characters corresponding to elements recited in the detailed description of the drawings may be used in conjunction with the recitation of the same element or groups of elements in the claims. It is thus respectfully submitted that withdrawal of the rejection is appropriate.

Double Patenting

Claim 1-21 have been rejected under the doctrine of obviousness-type double patenting over “claims” of co-pending application serial no. 10/552,710. Although specific claims employed in the rejection are not identified, and thus it is submitted that the Office Action is incomplete, in order to expedite prosecution a terminal disclaimer has been filed herewith. Accordingly, it is submitted this rejection is moot.

Conclusion

It is accordingly respectfully submitted that the claims are in condition for allowance. It is noted that claims have been added in order to place them in a form more usable for you as practice, by eliminating the phrases and terms which are non-standard. A prompt passage to issue is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,
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Attorney Docket No.: MERCK-3077

Date: December 19, 2008
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